
**Children & Family Services
Committee**

HB 3153

Brief Description: Concerning retention of records regarding child abuse and neglect.

Sponsors: Representatives Haler, Pettigrew, Roberts, Kagi and Kenney.

Brief Summary of Bill

- Establishes a retention policy for records relating to child abuse and neglect referrals.

Hearing Date: 2/1/06

Staff: Sydney Forrester (786-7120).

Background:

Records Retention

The general rule for state agency records requires public records to be maintained for a minimum of six years. Agency-specific records retention schedules are submitted to the State Records Committee for approval. The records retention policy approved for the Department of Social and Health Services (DSHS) allows for destruction of records after seven years. State law prohibits the DSHS from retaining records regarding unfounded allegations of child abuse or neglect for longer than six years.

Unfounded, Inconclusive, and Founded Complaints

Upon receiving a referral of child abuse or neglect the DSHS may investigate and make a determination regarding the allegation. After investigation, a finding regarding the allegation is entered in the case file. Rules adopted by the DSHS define three categories of findings: founded, unfounded, and inconclusive.

Referrals are labeled *founded* when the evidence indicates that more likely than not, the abuse or neglect occurred. Referrals are labeled *unfounded* when the evidence indicates that more likely than not, the abuse or neglect did not occur. Referrals are labeled *inconclusive* when there is not enough evidence to make a determination that more likely than not the abuse did, or did not, occur.

Summary of Bill:

The DSHS is required to maintain records regarding child abuse or neglect referrals that result in a finding of inconclusive for a minimum of 20 years. Records of founded referrals and records of

referrals that result in termination of parental rights must be retained indefinitely. The DSHS must conduct a search of the records retained for decisions related to child-care licenses, adoption, and out-of-home placement.

Appropriation: None.

Fiscal Note: Requested on 1/31/06.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.